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SUBJECT: MILITARY COURT TO TRY 40 MUSLIM BROTHERS

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Sensitive but unclassified. Please protect accordingly.

Summary

11. (SBU) President Mubarak ordered on February 6 that 40 members of the Muslim Brotherhood, including Second Deputy Chairman Khairat Al-Shatir, face a military tribunal on charges including money laundering and planning terrorist actions in support of the outlawed group. Past military tribunals against opposition figures, including MB activists, have resulted in speedy convictions, which have been criticized by human rights activists as failing to provide due process. The decision to try Al-Shatir and his associates before a military tribunal marks a further escalation of the GOE's campaign to curtail the MB's influence and activity. End summary.

The Latest Escalation

12. (SBU) The recent GOE decision to try MB members before a military tribunal is the latest step in a series of increasingly severe GOE tactics against the MB (reftels). After a controversial December 10 student "militia" demonstration at Al-Azhar University, the GOE detained a number of MB activists. Both President Mubarak and the Interior Minister later warned in press interviews that the MB was a threat to Egypt's stability, and suggested that the GOE would take steps to contain this threat.

Previous Military Tribunals Against the MB

13. (SBU) Under the State of Emergency, which has been in force almost continuously since 1967, the President may refer crimes ordinarily subject to the Penal Code (and civilian courts) to extraordinary military tribunals instead. The GOE has in the past resorted to military tribunals to prosecute MB activists, including in 1995 and 2001. Analysts in Cairo note that prosecutions in 1995 and 2001 were linked to increased MB political activism, specifically in the parliamentary elections of 1995 and 2000. The 1995 tribunals resulted in the conviction of at least 46 MB members, who were sentenced for 3-5 years. The 2001 tribunal led to convictions of 16 MB activists, who were also sentenced for 3-5 years. The most recent use of a military tribunal in

Egypt--and a case which did not involve the MB--occured in October 2006 when a military court convicted parliamentarian Talaat Sadat of spreading false rumors and insulting the armed forces after he publicly accused President Mubarak and the military leadership of complicity in the 1981 assassination of his uncle, President Anwar Sadat.

MB Financiers Targeted

¶4. (SBU) In addition to Al-Shatir, the MB's third-ranking leader, suspects facing a military tribunal include several other prominent MB figures. A number of them reportedly serve as key financiers of the movement, while others are allegedly active outside of Egypt, apparently active in the MB's international activities. Some of the more prominent MB members facing the military tribunal include:

--Hassan Malek: co-owner with Al-Shatir of Istiqbal Furniture Company and Salsabeel (an information technology firm). Believed to be a major source of MB funding. His younger brother, an Al-Azhar student, reportedly played a key role in the December 10, 2006 demonstration.

--Abdel Rahman Seoudi: owner of Cairo's high-end grocery store chain, Seoudi Market.

--Dr. Mohamed Ali Bishr: professor of engineering at Meoufiya University. Ph.D. from University of Colorado in ¶1984.

--Medhat Al-Haddad: engineer/general manager of the Arabiya Company (export-import and construction firm).

--Dr. Khaled Awda: geologist at Assiut University. Also a prominent businessman in Upper Egypt.

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--Dr. Salah Al-Dessouki: professor of medicine, Al-Azhar University.

--Dr. Essam Abdul Mohsen: professor of medicine, Al-Azhar University.

--Dr. Farid Galbat: professor of Islamic law, Al-Azhar University.

--Yousef Nada: resident of Italy, and head of Al-Taqwa Bank. One of several MB figures who will be tried in absentia.

--Ibrahim Zayat: a German citizen who resides in Germany, Zayat will also be tried in absentia.

¶5. (SBU) One notable aspect of the charges against the MB is the crime of money laundering. The GOE has devoted considerable effort, under USG and multi-lateral pressure, to harmonize its laws with international standards on money laundering. It is not clear exactly how the GOE plans to make its case on the money laundering charges since the accused businessmen control legal businesses that are generally believed to operate under Egyptian law. Presumably the GOE case will hinge on the transfer of legal profits to support the work of a banned organization.

Some Media Support for the Decision

¶6. (SBU) Although the GOE has not yet provided an official comment on the decision to refer the suspects to a military tribunal, Rose Al-Yousef (RAY), a daily newspaper which is widely seen as an unofficial mouthpiece for key officials in the ruling party and the security apparatus, has devoted considerable editorial attention to the matter. In a

February 10 column, RAY editor Karam Gabr argued that the MB threat had left the GOE with no option. "The state has turned to the military courts, 'the bitter medicine,' to deal with a disease that is more bitter and devastating, having already exhausted all good intention, patience and calm in dealing with the practices of the outlawed group." Gabr further noted that, "The group had continued to escalate the confrontation, tamper with the political and democratic reforms and employ them to serve its interests and spread chaos, rebellion and disobedience. It sought to undermine state authority and to attempt to infiltrate state institutions. The MB did not spare judges, journalists, workers, lawyers or other trade unionists. It pursued its suspect activities, a state within a state working through parallel organizations." Gabr warned, "This is not the first time the Muslim brothers stand trial before military courts--and it will not be the last."

Human Rights Groups Criticize Use of Military Court

17. (SBU) At least two of Egypt's leading human rights organizations, on the other hand, have reacted critically to the GOE's resort to a military court. The Cairo Institute for Human Rights Studies (CIHRS) has condemned the move, labeling it "a flagrant intervention by the Executive Authorities in the conduct of justice, and a spoliation (sic) of the defendants' rights to appear before a natural (sic) judge." CIHRS further labeled the referral of civilians to military courts as a "grave breach of human rights" and said that the move casts doubts on the GOE's commitment to meaningful political reform. The Egyptian Organization for Human Rights issued a similar statement, terming the GOE move as a violation of the constitutional right to a fair trial. EOHR also said that the case was further evidence of the urgent need to end Egypt's State of Emergency.
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